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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,678	02/07/2002	Steven B. Winter	72967	4034
22242	7590	06/28/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			GOFF II, JOHN L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

MR

<b>Office Action Summary</b>	Application No. 10/071,678	Applicant(s) WINTER ET AL.	
	Examiner John L. Goff	Art Unit 1733	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/4/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, claims 1-8 and 18-26, in the reply filed on 4/19/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 8, 18-21, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Andre et al. (FR 2717165 and the English abstract).

Andre et al. disclose an apparatus for adhering painted strips on sheets at predetermined locations. Andre et al. teach the apparatus has a first upstream sheet supply station including a

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sheet stack, a plurality of gripping mechanisms (each gripping mechanism comprising an upper jaw having a gripping arm extending therefrom pivotally hinged by a pivot pin to a lower jaw having a protruding gripping tab and a biasing mechanism for urging the jaw members to the closed state and the overall gripping mechanism having a low profile so as to fit below subsequent stations) located on an endless chain conveyor, a cam mechanism, a drive system, and a conveyor plate, it being noted the term “cam” as defined by dictionary.com is “a projecting part of a wheel or other moving piece so shaped as to give alternate or variable motion to another piece against which it acts” such that the actuated mechanism taught by Andre et al. is a cam mechanism. The sheet supply station is capable of actuating a cam mechanism to open the gripping mechanisms in response to movement of the gripping mechanisms past the cam mechanism by movement of the drive system for the conveyor with the open gripping mechanisms facing upstream toward the drive system for the sheet feeder followed by using the drive system, e.g. pneumatic device, of the sheet feeder to remove a sheet from the sheet stack and supplying the sheet to the open gripping mechanisms, and then removing the cam mechanism such that the biasing mechanism of the gripping mechanisms urges the gripping mechanisms into a closed state (the (single set of) gripping mechanisms then capable of advancing the sheet through subsequent stations). Andre et al. teach downstream to the sheet supply station is an adhesive applying station (capable of depositing adhesive at predetermined locations on the sheet). Andre et al. teach downstream to the adhesive applying station is a painted strip, i.e. swatch, applying station (capable of placing painted strips on the adhesive). Andre et al. teach downstream to the painted strip applying station is a sheet discharge station

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(i.e. receiving station) including a cam mechanism (the cam mechanism capable of opening the gripping mechanism to release the sheet) (Figures 1 and 2 and the English abstract).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5, 7, 8, 18-23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andre et al. in view of any one of Burger (U.S. Patent 4,799,664), Muller (U.S. Patent 5,169,285), or Eberle et al. (U.S. Patent 5,007,629).

Andre et al. is described above in full detail, it being noted claims 1-5, 7, 8, 18-21, and 25 are additionally reject over Andre et al. in view of any one of Burger, Muller, or Eberle et al. in the event the separate (pneumatically) actuated mechanism taught by Andre et al. is not a "cam mechanism" although the definition of "cam" is noted above. Andre et al. are silent as to a

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teaching of using a cam mechanism integral with the gear of the chain. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as an alternative to the integral gripper and chain separate cam system taught by Andre et al. a conventional single integral gripper, chain, cam system known in the sheet feeding art as this type of system was a known simpler, i.e. more reliable due to less moving parts, functional equivalent as shown for example by any one of Burger, Muller, or Eberle et al.

Regarding claim 26, Andre et al. as modified by any one of Burger, Muller, or Eberle et al. would result in gripping the sheets along their longitudinal edge (as opposed to their lateral edge) such that one of ordinary skill in the art would have readily appreciated the resulting apparatus would include gripping mechanisms located between two conveyor support plates as opposed to the arrangement shown in Andre et al. with the gripping mechanisms located along the lateral edge of a single conveyor support plate.

Each of Burger, Muller, and Eberle et al. disclose an apparatus for feeding sheets comprising gripper mechanisms (formed of an upper jaw pivotally hinged by a pivot pin to a lower jaw and a biasing mechanism (e.g. spring) for urging the jaw members to the closed state) located on an endless chain conveyor wherein the gripper mechanisms are placed in the open state by contacting a cam located on the gears of the endless chain conveyor, it being noted Burger specifically teaches this integral cam is an alternative to a functionally equivalent separate cam (Figure 1 and Column 1, lines 57-68 and Column 2, lines 46-68 and Column 3, lines 1-26 of Burger and Figure 1 and Column 5, lines 28-68 of Muller and Figure 1 and Column 7, lines 19-22, 49-54, 58-60, and 63-66 of Eberle et al.).



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8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andre et al. as applied in paragraph 4 above or Andre et al. in view of any one of Burger, Muller, or Eberle et al. as applied in paragraph 7 above, and further in view of the admitted prior art (Specification pages 1-5).

Andre et al. and Andre et al. as modified by any one of Burger, Muller, or Eberle et al. as applied above teach all of the limitations in claim 6 except for a specific teaching of using lateral guides at the upstream end of the apparatus. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include at the upstream end of the apparatus taught by Andre et al. or Andre et al. as modified by any one of Burger, Muller, or Eberle et al. (adjustable) lateral guides, e.g. on the non-gripping side, to more accurately position the sheet on the conveyor plate and within the gripper mechanisms as it was well known and conventional in the same art to do so as shown for example by the admitted prior art.

The admitted prior art (including U.S. Patent 4,061,521 cited in the admitted prior art) discloses it was known to use lateral sheet positioning guides for sheet positioning in an apparatus of the type taught by Andre et al. (Specification pages 1-5).

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andre et al. as applied in paragraph 4 above or Andre et al. in view of any one of Burger, Muller, or Eberle et al. as applied in paragraph 7 above, and further in view of either one of Burger or Eberle et al.

Andre et al. and Andre et al. as modified by any one of Burger, Muller, or Eberle et al. as applied above teach all of the limitations in claim 24 except for a teaching of using a spring biasing mechanism, it being noted it appears Andre et al. is not limited to any particular biasing mechanism. It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to use as the biasing mechanism taught by Andre et al. or Andre et al. as modified by any one of Burger, Muller, or Eberle et al. any well known and conventional gripping member biasing mechanism known in the art such as a spring as shown for example by either one of Burger or Eberle et al. as only the expected results would be achieved. Burger and Eberle et al. are described in full detail above.

### ***Conclusion***

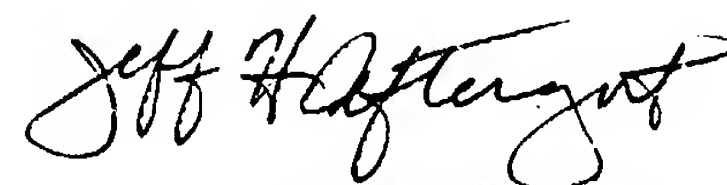
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff  
June 23, 2004



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